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The Beginnings of Illinoi

WILLIAM A. MEESE





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Book M49

THE BEGINNINGS OF ILLINOIS



NOTE.

This sketch was prepared as a letter, in response to a request for information regarding the Northern Boundary Line of Illinois. Believing that the facts I have collected might be of interest to others, I have had printed one hundred copies to be given to my friends.

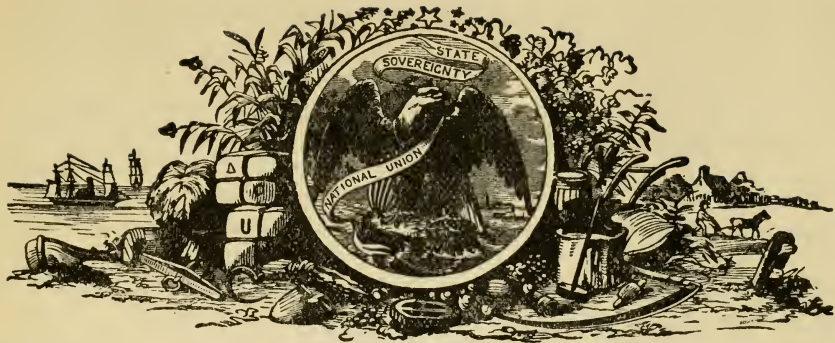
WILLIAM A. MEESE.

December 5th, 1904.

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The Beginnings of Illinois.

A HISTORICAL REVIEW OF THE STEPS LEADING TO THE DIVISION OF
THE NORTHWEST COUNTRY EAST OF THE MISSISSIPPI INTO
THE SEVERAL STATES NOW EXISTING .. WISCONSIN
AND ILLINOIS BOUNDARY DISPUTE.

By WILLIAM A. MEESE.

Part I.

Claimed By Spain.

The state of Illinois, or what in early times was known as the "Illinois country," was originally a part of Florida, and was so laid down upon the old Spanish map of North America. Spain's title to the "Far West" rested upon the discovery of this country and the Mississippi by Ferdinand De Soto in 1541.

Alexander VI, the Roman Pontiff, granted to Ferdinand and Isabella in perpetuity, all the lands, which they had, or should thereafter discover. Title by discovery at his time was recognized, and this act of the Pope in giving that, to which he in fact had no title, coming at a time when it would have been dangerous to have expressed an adverse opinion confirmed in the Crown of Castile a right of dominion over these lands and its native inhabitants.

French Occupation.

Spain, however, made no settlement in the "Illinois" and when in 1665, Father Claude Allouez was sent from Canada by the French government to make a treaty with the western Indians, and raised his cedar cross in the

village of the Chippewas, the Pottawattomies, Sacs and Foxes, and other tribes of the "Illinois" came to his council fire and entered into an alliance against the Iroquois.

From this time the "Illinois" became the scene of French settlements. The Jesuit and the Recollect labored incessantly among the savages in the cause of the Redeemer, and the French trader plied his calling with ardor and skill. "Illinois country" was thus made a portion of ancient Louisiana under the French monarchy. Kaskaskia, Cahokia and Prairie du Rocher were the centers of early French civilization until 1763, when by treaty with Great Britain, France ceded the "Illinois country" and also Canada to Great Britain.

English Rule.

It was not, however, until 1765 that Captain Sterling established British authority at Fort Chartres, and the banner of France which had for one hundred years proclaimed French authority gave way to the British emblem.

In 1776, Illinois and the northwest territory were by the "Quebec Bill" placed under the local administration of Canada, and in 1778 George Rogers Clark under authority of Virginia captured the English posts in the Indiana and Illinois countries.

American Contention.

After the commencement of the Revolutionary War the Americans laid claim to the territory between the Alleghenies and the Mississippi. North Carolina had taken possession of what is now Tennessee, and Virginia had annexed Kentucky and established posts in Ohio and at Cahokia and Kaskaskia in the Illinois country, and at Vincennes in Indiana.

The country lying west of the lakes, north of the Ohio, east of the Mississippi and south of our northern boundary line, and which now comprises the states of Ohio, Indiana, Illinois, Michigan and Wisconsin, was claimed by the states of New York, Massachusetts, Connecticut and Virginia.

Massachusetts and Connecticut claimed that their charters granted them dominion from sea to sea, consequently they owned to the Mississippi; New York's claim was based upon treaties made with the six nations and their allies, and Virginia laid claim by right of conquest.

The smaller states of Rhode Island, Maryland, New Jersey and Delaware, making no pretensions to the western territory and being so situated geographically that they never could expand, strongly objected to this territory being annexed to any of the states.

In 1777, when the articles of confederation were about to be presented to congress, Maryland wanted to know how the western claims were to be settled, and her delegates offered the following resolution: "The United States in congress assembled shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the Mississippi, and lay out the land beyond the boundary so ascertained into separate and independent states, from time to time as the number and circumstances of the people may require."

This proposition was voted down, Maryland being the only state voting for it.

The Government of Virginia.

In October, 1778, the general assembly of Virginia passed "An act for establishing the county of Illinois, and for the more effectual protection and defense thereof."

This act provided that all the citizens of Virginia settled on the western side of the Ohio shall be included in a distinct county; to be called Illinois county.

This act authorized the governor of Virginia to appoint a county lieutenant or commandant, who should appoint a deputy commandant, militia officers and commissaries. All civil officers were to be chosen by the people.

Patrick Henry, the immortal patriot, was then governor of the state of Virginia and he selected as the first commandant of Illinois county, John Todd, a lawyer then practicing in Kentucky. Todd was with George Rogers Clark in his campaign in Illinois, and was the first man to enter Fort Gage at Kaskaskia, when it was taken from the British, July 4, 1778.

In his letter of appointment Governor Henry advised Todd, among other things, "on all occasions to inculcate on the people the value of liberty, and the difference between the state of free citizens of this commonwealth, and that of slavery, to which the Illinois was destined, and that they are to have a free and equal representation and an improved jurisprudence."

Maryland's Sane Objection.

In May, 1779, all of the objecting states, save Maryland, having ratified (under protest) the articles of confederation, her delegates announced that Maryland would not ratify the articles unless she was assured that those states laying claim to the western territory would cede all their rights to such territory to the general government, that it should become common property of the United States "subject to be parcelled out by congress into free, convenient and independent governments."

In February, 1780, New York ceded all her claims and in September congress asked all states claiming title to lands in the western territory to cede the same to the United States. In October, congress declared that in case such lands were ceded, they should be sold to immigrants and the money applied to federal purposes, and at the proper time distinct states should be formed thereof, to be admitted into the Union with the same rights as the original thirteen states.

It also provided that all expenses incurred by any state in defending its western border should be repaid. This was inserted to satisfy the state of Virginia, which under George Rogers Clark had conquered and held a large part of this territory.

On April 19, 1785, Massachusetts surrendered all her claims, this making the last state to agree. Maryland although strenuously objecting, had not waited until the last state should agree, but after New York and Virginia had committed themselves to the cession of territory, she ratified

the articles of confederation and they became operative on March 1, 1781.

To the foresight of Maryland we are indebted for the establishment of a public domain, and while the little state during her contention was threatened to be cut up, her lands parcelled out to other states and her name erased from the map, she pluckily held out. Fiske says, "Just as it was Massachusetts that took the decisive step in bringing on the Revolutionary War when she threw the tea into Boston harbor, so it was Maryland that, by leading the way toward a national domain, laid the cornerstone of our Federal Union."

Jefferson Proposes Plan of Government.

The United States having thus acquired ownership of the public lands in the western territory, it became necessary to provide a form of government.

Shortly after the close of the Revolutionary War, General Rufus Putnam of Rutland, Vermont, had proposed to congress a plan for colonizing the country between Lake Erie and the Ohio river with veterans of the late war, who would build up this country and who would be a defense to our western frontier. The plan was favorably received, but as the lands desired were claimed by different states, nothing could be done by congress.

On March 1, 1784, a committee to prepare plans of government was appointed by congress, of which Thomas Jefferson was made chairman. This committee made a report on March 17th. The report was written by Jefferson, who drew upon his classical lore for the names of the ten states that he proposed should eventually be formed out of this territory.

Jefferson's plan proposed, "that the territory northward of the forty-fifth degree, that is to say, of the completion of forty-five degrees from the equator and extending to the Lake of the Woods shall be called Sylvania. That of the territory under the forty-fifth and forty-fourth degrees, that which lies westward of Michigan shall be called Michigania; and that which is eastward thereof, within the peninsula formed by the lakes and waters of Michigan, Huron, St. Claire and Erie, shall be called Cheronesus, and shall include any part of the peninsula which may extend above the forty-fifth degree.

Of the territory under the forty-third and forty-second degrees, that to the westward, through which the Assenisipi or Rock river runs, shall be called Assenisipia; and that to the eastward, in which are the fountains of the Muskingum, the two Miamis of Ohio, the Wabash, the Illinois, the Miami of the Lake, and the Sandusky rivers, shall be called Metropotamia.

Of the territory which lies under the forty-first and fortieth degrees, the western, through which the river Illinois runs, shall be called Illinoia; that next adjoining, to the eastward, Saratoga; and that between this last and Pennsylvania, and extending from the Ohio to Lake Erie, shall be called Washington.

Of the territory which lies under the thirty-ninth and thirty-eighth degrees, to which shall be added so much of the point of land within the fork of the Ohio and Mississippi as lies under the thirty-seventh degree, that to

the westward, within and adjacent to which are the confluences of the rivers Wabash, Shawnee, Tanisee, Ohio, Illinois, Mississippi and Missouri, shall be called Polypotamia; and that to the eastward, farther up the Ohio, otherwise called the Pelisipi, which shall be called Pelisipia.

Jefferson's Plan Includes Anti-Slavery Clause.

One article of Jefferson's plan provided that after the year 1800, "There shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crime whereof the party shall have been duly convicted." This article, together with the one naming the states was eliminated, they failing to secure a majority of voters from the states for their retention.

This report of Mr. Jefferson, with the two articles stricken out, on April 23d, 1784, became the law of the land until it was repealed in 1787. It, however, failed to be of any practical use. No organization was perfected. The question "how to govern the northwest" remained a serious one.

On March 16th, 1785, Rufus King proposed a resolution "that there shall be neither slavery nor involuntary servitude in any of the states described in the resolve of congress of the 23d of April, 1784, otherwise than in the punishment of crime, whereof the party shall have been personally guilty," and that this regulation shall be an article of compact, and remain a fundamental principle of the constitution, between the thirteen original states and each of the states described in the said resolve of the 23d of April, 1784."

This proposition was never called up in congress nor noticed by any subsequent committees.

The Three Leading Problems.

In the organization of this territory three problems presented themselves:

First, what plan to adopt for their survey and sale;

Second, how to provide satisfactorily for the extinguishment of the claims of the Indians thereto; and

Third, what form of government should be adopted for the people residing thereon.

"Each of these questions presented grave difficulties, but that relating to the title of the red man was the greatest. It confronted congress at the beginning, and out of it grew those Indian wars which marked the bloody period of pioneer settlements in the entire northwest. Its adjustment involved the expenditure of millions of money and the sacrifice of thousands of lives."

Early in August, 1786, the inhabitants of Kaskaskia petitioned congress to provide means by which they could form a better government, to which petition congress on August 24th ordered the following reply to be made by its secretary:

"That congress had under consideration the plan of a temporary govern-

ment for said district, and that its adoption will no longer be protracted than the importance of the subject and due regard to their interests may require."

On September 19th, 1786, a committee consisting of William S. Johnson, Charles Pinckney, Melancthon Smith, Nathan Dane, and John Henry, reported another plan to congress, but after much discussion, action thereon was postponed. This same committee on April 29th, 1787, reported another plan which went so far as a third reading, but final action was again postponed. Neither of these resolutions or plans contained any declaration regarding slavery or in favor of freedom and human rights.

PART II.

The Ordinance of 1787.

In the spring of 1787 a number of prominent men of New England, among whom were General Rufus Putnam of Vermont, Holden Parsons of Connecticut, Rev. Manasseh Cutler and Winthrop Sargent of Massachusetts, formed a company known as the Ohio Company, whose object was to purchase a large tract of land on the Ohio river and form a settlement.

A great number of this company were ex-soldiers of the Revolution and held large amounts of government certificates which they desired to use in the purchase of land.

The Rev. Manasseh Cutler, D. D., a distinguished scholar of New England, was selected to present the matter and conduct the negotiations. Congress realized that something must be done. The Ohio Company's proposition presented an opportunity to liquidate several million dollars of government indebtedness in exchange for land which at that time had but little value. The project also created a new interest in the proposed government for the western territory. Dr. Cutler arrived in New York on July 5th, and on July 8th, a new committee of congress was appointed, consisting of Edward Carrington of Virginia, chairman; Nathan Dane of Massachusetts, R. H. Lee of Virginia, John Kean of South Carolina and Melancthon Smith of New York.

On the 11th, a new ordinance was reported; on the 12th it was amended by the addition of the sixth article, and on the 13th day of July it was passed, receiving the unanimous vote of eight states, viz:

Virginia, Massachusetts, Delaware, New York, New Jersey, North Carolina, South Carolina and Georgia; these being all that were present.

The ordinance created the territory into one district, subject, however, to a division when circumstances should make it expedient.

Six Articles of Perpetual Compact.

It provided for a governor and other territorial officers, the establishment of courts, that when there were 5,000 free male inhabitants the territory should have a general assembly, and it contained other necessary provisions for carrying on a government. It was provided in six unalterable

articles of perpetual compact between the people of the original states and the people of the territory:

First. No one should be molested on account of his mode of worship.

Second. It secured to all the benefits of the writ of habeas corpus and trial by jury, representation in the legislative and judicial proceedings according to the common law, etc.

Third. Schools and the means of education shall forever be encouraged, and good faith and justice shown the Indians.

Fourth. The states to be formed out of this territory to forever remain a part of the United States, the navigable waters of the Lakes to remain forever free to all citizens.

Fifth. There shall be formed in this territory not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, viz:

Original Provision for Illinois Boundaries.

The western state in the said territory shall be bounded on the Mississippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Post Vincennes due north to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and the Mississippi.

The middle state shall be bounded by the said direct line; the Wabash from Post Vincennes to the Ohio; by the Ohio; by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line.

The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania and the said territorial line.

Provided, however, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if congress hereafter shall find it expedient they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan; and when any of the said states shall have 60,000 free inhabitants therein such state shall be admitted by its delegates into the congress of the United States on an equal footing with the original states in all respects whatever, and shall be at liberty to form a permanent constitution and state government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the state than 60,000.

Sixth. There shall be neither slavery, nor involuntary servitude in the said territory otherwise than in the punishment of crimes, whereof the party shall have been duly convicted.

Webster's Estimate of Great American Charter.

This fundamental law or great "American Charter" shaped the destinies of the states carved out from this western territory, saved them from the curse of slavery and became a powerful factor in forever settling this great question.

Daniel Webster said of it, "We are accustomed to praise the law-givers of antiquity; we help to perpetuate the fame of Solon and Lycurgus, but I doubt that one single law, ancient or modern, had produced effects of more distinct, marked and lasting character than the ordinance of 1787."

In looking at this matter today it may seem strange that the anti-slavery clause in the ordinance should receive the votes from those eight states, when seven of them—Virginia, Delaware, New York, New Jersey, North Carolina, South Carolina and Georgia—either were slave states, or slaves were allowed to be held within their borders. Massachusetts was the only anti-slave state of the eight. It may be accounted for by the fact that slavery at this time had not become a political factor, and for the reason advanced by William Grayson of Virginia, who explained his vote by saying that the anti-slavery clause in the ordinance would prevent the raising of tobacco, cotton and indigo north of the Ohio river, the southern people always claiming that those articles could not be profitably raised save by the use of slave labor.

Jefferson Did Not Write Ordinance of 1787.

Thomas Jefferson drew the resolution or plan of 1784, and was therefore the author of the clause which first attempted to prohibit slavery in the northwest territory after the year 1800 (which clause was stricken). It has been claimed that he wrote the anti-slavery article in the ordinance of 1787, but as he at this time was in France as our minister to that country, this precludes the idea of his having had anything to do with the ordinance.

The draft of the ordinance, it is claimed was in the handwriting of Nathan Dane of Massachusetts, a member of the committee appointed July 9, 1787. In a letter to Rufus King, dated July 16, 1787, he says, "I had no idea the states would agree to the sixth article, prohibiting slavery, as only Massachusetts of the eastern states was present, and therefore omitted it in the draft; but, finding the house favorably disposed on this subject, after we had completed the other parts, I moved the article, and it was agreed to without opposition."

Part III.

Anti-Slavery Clause Manasseh Cutler's.

Dane says he "omitted" the sixth article in the draft of the ordinance, which shows that he could not have been very strongly in its favor, and that it was not of his conception. Congress had on previous occasions shown its hostility to this clause and refused to adopt it.

The omission of this article in the draft of the ordinance as agreed upon by the committee proves that the article neither originated, nor was it strongly contended for by that body. Dane confesses that he "had no idea that the states would agree to the sixth article," and his reason is "as only Massachusetts of the eastern states was present."

When Dr. Cutler arrived in New York he brought a large number of letters of introduction, most of them to southern members of congress. R. H. Lee of Virginia was the intimate friend of Dr. Cutler, and the latter went to the southern members. He presented his case intelligently and impartially, and thus won over to his cause their support.

Ephraim Cutler in his life of Manasseh Cutler, his father, says that the latter, in 1804, in speaking of the slavery clause, said that he had prepared that part of the ordinance while he was in New York on behalf of the Ohio company; congress had done nothing material toward an ordinance until July 9, 1787, four days after Dr. Manasseh Cutler arrived in New York to negotiate a sale of lands for his company, and that directly upon his arrival he entered upon his work; that he labored with the members of congress, urging the justness of his company's claims and the pressing need of some law for the government of the territory; that he secured the appointment of a committee; that he appeared before that committee, a bill was prepared with his help, it was then submitted to him, with leave "to make remarks and propose amendments," and that he did offer several amendments.

Cutler's colleagues in the Ohio company were New Englanders, men of ability, influence and high moral standing. Cutler himself, being a New England clergyman, was opposed to slavery and it is no more than could be expected, that, being interested himself, he would secure for his company not only a grant favorable to them as regarded location and price, but that he would so far as in his power encompass its government by salutary laws, which should embody New England principles.

Cutler reported his conclusions to the committee and through his forceful presentation the committee reported favorably on the ordinance and it was adopted just eight days after he arrived in New York. It is safe to say Dr. Manasseh Cutler was the moving spirit to whom the credit for Article 6 of the ordinance is due.

Lee and Dane Opposed the Constitution.

It is worthy of mention that later, on September 20, when the draft of the constitution was presented to congress, Richard Henry Lee, who eleven years before had moved in congress the Declaration of Independence, and who two months previous had been chairman of the committee that had prepared the ordinance of July 13th, was the leader of the opposition, worked to obstruct any movement toward a closer union of the states and opposed the submission to the states of the constitution as presented.

We find also that one of Lee's strongest supporters was Nathan Dane while another member of the ordinance committee, Edward Carrington, was one of Madison's most influential aids in favor of the constitution.

Launching of Territorial Government.

The first officers of the northwest territory, appointed February 1, 1788, were General Arthur St. Clair, governor; Winthrop Sargent, secretary, and Samuel Holden Parsons, James Mitchel Varnum and John Cleves Symmes (vice John Armstrong, declined) judges.

On July 9, 1788, Governor St. Clair, together with the judges, arrived at Marietta, where the Ohio Land company had made its settlement. A code of laws for the territory was adopted, several counties established, civil officers appointed, and on July 15, the territorial government was launched.

On October 6, 1788, President Washington wrote Governor St. Clair as follows:

"You will also proceed, so soon as you can with safety, to execute the orders of the late congress respecting the inhabitants at Post Vincennes and at the Kaskaskias and the other villages on the Mississippi. It is a circumstance of some importance that the said inhabitants should as soon as possible possess the lands which they are entitled to by some known and fixed principle."

On March 5, 1790, the governor went to Kaskaskia. The Illinois country at this time had only about 920 inhabitants, of whom 620 were settled around Kaskaskia, and 240 around St. Phillips and Prairie du Rocher; these people were mostly French and settlers from Virginia, the latter coming with Colonel George Rogers Clark, when he in 1778 captured the posts at Kaskaskia and Cahokia.

Virginia had insisted before signing the articles of confederation that the French inhabitants and other settlers of Kaskaskia and neighboring villages, who had become citizens of Virginia, should have their possessions and title confirmed to them and be protected in the enjoyment of their rights and liberties. These terms had been agreed to before Virginia made her deed of cession.

St. Clair County Established.

Governor St. Clair now established a new county which was named after him. It was divided into three districts, namely Cahokia, Prairie du Rocher and Kaskaskia. A court of common pleas was established and John Edgar of Kaskaskia, John Babbiste Barbeau of Prairie du Rocher, and John de Moulin of Cahokia were appointed as judges, each to hold court in the district of his residence. William St. Clair was appointed clerk and recorder of deeds, and William Biggs sheriff. Cahokia became the county seat. The nearest United States courts were held at Cincinnati and Chillicothe. At this time there was but one lawyer in Illinois, John Rice Jones.

Governor St. Clair had great difficulty in selecting officers for this court. He says: "Not a fiftieth man could read or write, and the entire district afforded barely a sufficient number of persons who were in any degree qualified to fill the necessary offices."

Some Northwest Territorial Laws.

Governor St. Clair and the judges were authorized to adopt such laws as were best suited to the circumstances of the district, and it may be of interest to cite a few:

Arson was punished by death.

Hog stealing was subject to a fine of not less than \$50 nor more than \$100, and the offender was to receive on his bare back any number of lashes, not less than twenty-five nor more than thirty-nine.

Horse stealing was punishable by death. Any person altering the brand of a horse was to be punished by a fine of 140 lashes on his or her back, well laid on; for the second offense the same amount of fine and lashes, and he or she should stand in the pillory two hours, and be burned on the left arm with a red-hot iron with the letter "T."

Any person who received a stolen horse, knowing the same to be stolen, was declared to be guilty as principal, and in that case was on conviction to also suffer the pains of death.

Mayhem, or mutilation of a human being, was punished only by imprisonment in the jail for not less than one month nor more than six months, and by a fine not less than \$1000.

Bigamy was punishable by whipping on the bare back, not less than one hundred nor more than three hundred stripes, well laid on.

Setting Apart of Indiana Territory.

In 1798 Ohio was made a territorial government by itself, and on May 7, 1800, congress passed an act by which the territory now Indiana, Illinois, Michigan and Wisconsin, was set apart as "Indiana territory." William Henry Harrison, afterward president of the United States, was the first governor. The entire population was estimated at 4,875 whites, and 135 negroes. The seat of government was fixed at Vincennes.

The purchase of Louisiana from France in 1803 added the territory between the Mississippi and the Rocky Mountains to the northwest territory, but in 1804, it was made a territory by itself under the title of the District of Louisiana. In 1805 Michigan was erected into a separate territory.

Separation of the Illinois Country.

For some time previous to this there had been a strong sentiment in the Illinois country favoring a separation from Indiana territory. The settlements in the former were all on the Mississippi, while the territorial seat of government was on the Wabash. The country between was inhabited by Indians, and persons desiring to transact business were obliged to undergo much hardship and encounter great danger in traveling through this then wilderness to the seat of government in Indiana.

Memorials asking for a division of the territory were sent to congress in the years 1806, 1807 and 1808. While the people of the Illinois country were largely in favor of separation, there were those who actively opposed it, and the feeling between the two factions became very bitter and resulted in the shedding of blood and assassination.

On September 11, 1804, an election was held in the territory on the question of advancing the territory to the second grade, and 400 votes were cast in the Illinois country, of which 269 were for the proposition and 131 against.

A special session of the territorial legislature convened Sept. 27, 1808, and the subject of separation was the all-absorbing question. The members of the previous legislative council from the Illinois district had been opposed to separation, while the members of the assembly had been in its favor. To this special session, Rice Jones from Randolph, and John Mesinger from St. Clair, had been elected, and both of these men were strong advocates of a division.

At this time Benjamin Parke was the territorial delegate in congress, and the question of a separation depended largely on the sentiment on this question entertained by the delegate who should succeed Parke. At this time Jesse Burgess Thomas, a member of the house from Lawrenceburg, Dearborn county, Indiana district, was also speaker of that body. His constituents were opposed to separation. The Illinois members prevailed on him to become a candidate for delegate to congress, but before pledging him support the Illinois delegate secured from Thomas a pledge in writing that if he was elected to congress he would work and vote for a separation of Illinois from Indiana. Thomas was elected by a majority of one, he casting his vote for himself.

Present State of Wisconsin Was In Illinois Territory.

February 3, 1809, congress by an act created a territory out of all that country lying "west of the Wabash river, and a direct line drawn from the said Wabash river and Post Vincennes, due north to the territorial line between the United States and Canada," to be known as Illinois territory (a territory of the first grade). This included the present state of Wisconsin. Ninian Edwards was appointed its first governor.

When the action of congress erecting Illinois into a territory became known, great indignation was expressed thereat throughout Indiana. The feeling against Delegate Thomas became very bitter, and at Vincennes his old constituents hung him in effigy. Thomas, after the adjournment of congress returned west, but did not stop in Indiana. He traveled to Illinois, and located at Kaskaskia, where he made his home. He brought with him a commission as federal judge of the new territory of Illinois. He was a delegate from St. Clair county to the convention that framed our first state constitution and served as president of that body. He was elected one of the first United States senators from this state, serving from Dec. 4, 1818, till March 3, 1829. Thomas introduced in the senate the famous "Missouri Compromise." He finally removed to Ohio, where he committed suicide.

PART IV.

Pope Determines Northern Boundary of Illinois.

May 21, 1812, Illinois passed from the first to the second grade of territorial government, and for the first time sent a delegate to congress.

In January, 1818, the territorial legislature of Illinois, in session at Kaskaskia, sent to Nathaniel Pope, our delegate in congress, who had been elected in 1817, a petition praying for the admission of Illinois into the Union on an equal footing with the original states. A bill for that purpose was introduced April 7, 1818.

Article 5 of the ordinance of 1787, fixing the limits of three states to be founded out of the northwest territory, provided that congress had authority to form one or two states out of as much of that portion of the territory set apart for the western states therein "which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan"—41 degrees, 37 minutes and 7 and 9-10ths seconds.

Mr. Pope was fully alive to the interests of his constituency and secured several amendments to the bill. The house of representatives had resolved itself into a committee of the whole, and Mr. Pope first moved to strike out the description which bounded Illinois on the north by a line drawn directly west from the southerly bend of Lake Michigan, and insert the following:

"Beginning at the mouth of the Wabash river, hence up the same, and with the line of Indiana to the northwest corner of said state, thence east with the line of the same state to the middle of Lake Michigan; thence north along the middle of said lake to north latitude 42 degrees 30 minutes; thence west to the middle of the Mississippi river, and thence down along the middle of that river to its confluence with the Ohio river, and thence up the river along its northwest shore to the beginning." This carried.

Pope's Educational Provision.

Among other amendments proposed by Mr. Pope and which were adopted was "that three-fifths of the five percent from the sale of public lands, applied to the construction of public works in other states carved out of the northwest territory, should instead be devoted by the legislature to the encouragement of education, one-sixth of which to be exclusively bestowed on a college or university."

The committee on territories had also reported favorably on the bill for the admission of Illinois with a population of 40,000, instead of 60,000 as provided in the ordinance of 1787. All the amendments were agreed to in the house without division.

First State Census Sadly Padded.

Although Nathaniel Pope had succeeded in amending the act so that the population necessary for statehood was 40,000 instead of 60,000, it remained for the territory of Illinois to make proof that she had within her bounds the requisite 40,000 people. A census was taken by the territorial government, and it is said that the real returns indicated a population of but 34,620. It was feared that we might fall short on our census, and the marshal supervising the same stationed deputy enumerators at all public thoroughfares where emigrants were entering the state, bound for Missouri, and instructed his deputies to count as they entered the state. They were

also counted by deputies as they left the state. Everybody that passed was recorded. The returns were found "correct." Illinois was therefore admitted into statehood, having the smallest population at such time of any state previous, or since.

Predicted Illinois Would Be "Keystone to Perpetuity of the Union."

Mr. Pope in his argument on the proposed change of boundary gave the following reasons:

"If her commerce is to be confined to that great artery of communication, the Mississippi, which washes her entire western border, and to its chief tributary on the south, the Ohio, there is a possibility that her commercial relations with the south may become so closely connected that in the event of an attempted dismemberment of the Union, Illinois will cast her lot with the southern states. On the other hand, to fix the northern boundary of Illinois upon such a parallel of latitude as would give to the state territorial jurisdiction over the southern shores of Lake Michigan, would be to unite the incipient commonwealth to the states of Indiana, Ohio, Pennsylvania and New York in a bond of common interest well-nigh indissoluble. By the adoption of such a line Illinois may become at some future time the keystone to the perpetuity of the Union." The bill passed unanimously and became a law April 18, 1818.

This act contained no provision for securing the consent of the people living north of 41 degrees, 37 minutes, 7.9 seconds, and west of Lake Michigan, although the act enabling Indiana to form a state constitution in 1816 required the people interested to ratify the boundary change.

Illinois Is Formally Admitted to Union.

In pursuance of the enabling act a convention was called to meet at Kaskaskia to prepare a constitution. Delegates were present from fifteen counties of Illinois territory. Shadrach Bond was elected governor and Pierre Menard lieutenant governor.

A draft of the new constitution was sent to congress, which by resolution, December 3, 1818, declared Illinois to be "one of the United States of America, and admitted into the Union on an equal footing with the original states in all respects."

Original Northern Boundary At or Above Moline.

The northern boundary of Illinois was thus fixed and made to include a strip of land sixty-one miles, nineteen chains and thirteen links wide, extending from Lake Michigan to the Mississippi river, embracing a surface of 8,500 square miles, and which forms the counties of Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, Carroll, Ogle, DeKalb, Kane, Du Page, Cook, Lee and Whiteside, also a part of the northern portion of Rock Island, Kendall, Will and La Salle counties

By the terms of the treaty of St. Louis, August 24, 1816, between the United States and the Ottawas, Chippewas, and Pottawatomies, it became

necessary to establish the point where a line "due west from the southern extremity of Lake Michigan" would strike the Mississippi. The line was surveyed by John Sullivan in 1818, and a monument was erected at its terminus, "on the bank of the Mississippi river near the head of Rock Island." This place is between Seventeenth and Eighteenth streets in the city of Moline, Illinois, and is now occupied by the Moline city waterworks.

In 1833, Captain Talcott while making the survey of the Ohio-Michigan boundary, was instructed under the act of July 14, 1832, to "ascertain the point on the Mississippi river which is due west from the southerly extreme of Lake Michigan." He established this point as being "about seven miles north of the fort (lower end) on Rock Island."

Several monuments were erected at this point and from there to the southern extremity of the lake. This western end of the survey is about four miles east of Moline, the Mississippi river at this point flowing almost due west.

Pope's Forecast Realized in Forty-two Years.

The possibilities that were forecast by Mr. Pope actually occurred forty-two years thereafter. The south seceded, but Illinois remained in the Union, and to her conservative influence we owe it that the adjoining states remained loyal. At the breaking out of the war Cairo became the strategic point in the west, and nearly 200,000 troops were assembled in that vicinity and sent out for our defense.

Had the original boundary line remained, the Illinois and Michigan canal and the Illinois Central railroad would probably never have been built, and without the vote of these fourteen northern counties, Illinois would not have been republican in 1856. It was due largely to the election of Governor Bissell and the republican ticket in 1856 that Illinois became a national factor and Abraham Lincoln, her favored son, a presidential possibility.

Wisconsin's First Remonstrance Buried in Senate.

Wisconsin at this time was sparsely settled, but many of her leading citizens, when they learned of the change in the boundary line of Illinois, began to enter protests. October 6, 1829, Hooper Warren, editor of the Galena Gazette, wrote to Governor Ninian Edwards of Illinois, calling his attention to the Green Bay correspondent (Judge Doty) of that paper, who was writing against Illinois' right to its northern boundary. Warren seemed impressed with the subject, for he said: "This subject is of more importance than you may think it is. A large portion, perhaps a majority of the people here, are of Judge Doty's opinion, and are wishing and expecting the old line to be established."

December 22, 1838, the Wisconsin territorial legislature passed a memorial to congress, which declared that the act of 1818 "came directly in collision with and was repugnant to the compact entered into by the original states, with people and states within this northwestern territory," and praying as a measure of justice that "the southern boundary of Wisconsin territory may be so altered as to include all the country lying north

of a line drawn due west from the southern extreme of Lake Michigan." This memorial was presented to the United States senate January 28, 1839, and was never heard of again.

PART V.

Beginning of Long-Continued Agitation.

December 31, 1839, a committee of the Wisconsin territorial legislature presented to that body a resolution which declared that as regards the matter of the territory's southern boundary, the ordinance of 1787 had been violated by congress, and that "a large and valuable tract of country is now held by the state of Illinois, contrary to the manifest right and consent of the people of this territory." This resolution requested "that on the next general election day, the fourth Monday in September, the inhabitants of the territory vote upon the question of forming a state constitution, and that the people living in the district in northern Illinois which was claimed by Wisconsin on that day express their opinion on this question, and if a constitutional convention should be called, that the people in the disputed district send delegates thereto. This resolution was adopted by the legislature and was approved by Governor Dodge of Wisconsin January 13, 1840.

Considerable interest was created in Wisconsin and northern Illinois. Public meetings were held in Galena, Dixon, Belvidere Rockford and other Illinois towns, and resolutions favoring a return to Wisconsin were adopted.

May 25, 1840, there was presented to the United States senate a petition signed by sixty-two citizens of Stephenson county, Illinois, asking that "Wiskonsin" be given those "ancient rights secured to them by the ordinance" (of 1787), and on the same day the senate received the proceedings of a meeting "of the citizens of Galena (Illinois) and vicinity," held at Galena May 17, 1840. This communication stated that "an opinion is generally entertained by the inhabitants of these portions of the (disputed) district, that the territory in dispute rightfully belongs to Wiskonsin, according to the compact; that it is for the general welfare to be detached from the former (Illinois), and annexed to the latter (Wiskonsin)." In early times the name was mostly spelled "Wiskonsin."

Monday, July 6, 1840, a convention was held in Rockford at which representatives were present from Jo Daviess, Winnebago Stephenson, Rock Island, Ogle, Boone, McHenry, Carroll and Whiteside counties (Illinois). This convention by resolution declared that Wisconsin was entitled to the fourteen northern counties of Illinois, and requested the people in these counties to elect delegates to attend a convention to be held at Madison (Wisconsin) on the third Monday in November, "for the purpose of adopting such lawful and constitutional measures as may seem to be necessary and proper for the early adjustment of the southern boundary."

Public Sentiment Abates, Wisconsin Loses Election.

Public sentiment in Wisconsin did not continue strong for annexation, and when the election was held the vote was very small and there was a large majority against the measure.

During 1840, Judge Doty was the territorial delegate in congress from Wisconsin, and he worked hard to bring up the northern Illinois boundary dispute in that body, but he was unsuccessful.

In 1841, another memorial to congress was presented to the territorial legislature of Wisconsin, but it was tabled by a vote of sixteen to nine.

In October, 1841, Judge Doty became governor of Wisconsin territory. In his first message to the legislature, presented December 10, he advocated a state government, and said: "If the district of country now under the jurisdiction of Illinois should sustain her claim to be made a part of the state of Wisconsin, then there would be one hundred thousand people in the territory, whereas the ordinance of 1787 required only sixty thousand, for the purpose of state formation."

Governor Doty's Strong Presentation.

Governor Doty addressed letters to a large number of citizens living in the fourteen northern counties of Illinois, in which he declared:

"My doctrine has been and still is, that if congress saw fit to establish more than three states in the territory northwest of the Ohio, the ordinance fixed definitely the northern boundary of the states bordering on the Ohio river, on "a line drawn east and west through the southerly bend or extreme of Lake Michigan. It is therefore lawful for those—that is those living north of the line last aforesaid—to unite with the people who occupy the other portion of the fifth state (now called Wisconsin territory) to frame a state government for themselves, according to the articles of cession contained in the ordinance of 1787. This is paramount to any act of congress."

The territorial committee of the Wisconsin legislative council, February 8th, 1842, reported a bill referring the boundary line to the people to be voted on at the next election, and invited the people living in the disputed territory of Illinois to also hold an election and join with the people of Wisconsin in forming a state government.

Upham's Talk Sounded Warlike.

Dr. A. J. Upham, a delegate from Milwaukee in a speech on the right of Wisconsin to the disputed territory said:

"Let us maintain that right at all hazards—unite in convention, form a state constitution, extend our jurisdiction over the disputed tract, if desired by the inhabitants there, and then, with legal right and immutable justice on our side, the moral and physical force of Illinois, of the whole Union, cannot make us retract our steps."

In the house the territorial committee reported against attempting to secure statehood, and consequently no action was taken.

Enthusiasm at Meetings, But Elections Fail to Show It.

Meetings continued to be held at various places in Illinois. At Oregon, in Ogle county, January 22, 1842, a large meeting was held for the purpose of taking action on this question, and the following was adopted:

"Resolved, That in the opinion of this meeting, that part of the north-west territory which lies north of an "east and west line through the

southerly bend or extreme of Lake Michigan, belongs to and of right ought to be a part of the state, or states, which have been or may be formed north of said line."

February 19, 1842, the citizens of Stephenson county, Illinois, met and called for an election to be held by the citizens in the disputed tract. March 5, that year, the election was held, the result was five hundred and seventy votes cast, all but one being in favor of uniting with Wisconsin.

June 28, 1842, Governor Doty of Wisconsin wrote Governor Carlin of Illinois that the fourteen northern counties of Illinois were not within the constitutional boundary of that state, and that Illinois' exercise of jurisdiction in that territory was "accidental and temporary." Governor Carlin paid no attention to this communication, and August 13 Governor Doty called on all the people within the "ancient limits of Wisconsin" to vote at the election to be held on the fourth Monday of September on the question of forming a state government. All interest in the controversy however had nearly died out, and three-fourths of the vote was against the proposition.

Boone County Almost Unanimous.

To show how strong the sentiment was in some localities, we find that at the general election in 1842 there were four hundred and ninety-six votes cast in the county of Boone and all but one were for annexation.

But Governor Doty was an enthusiast over the "ancient limits" of "Wisconsin" and like Banquo's ghost would not down; he again appealed to the legislature of Wisconsin to call for a popular vote on the constitutional question, but that body turned a deaf ear to the belligerent executive and refused to do anything. August 23, 1843, the governor again issued one of his proclamations calling for a popular vote. The election was held and only about one-eighth of the voters cared to vote, and nearly all of them voted against the governor's proposition.

Congress Is Accused and "Pockets" the Accusation.

December 4, 1843, Governor Doty again sent a message to the Wisconsin legislature in which he fully went over the boundary dispute. The question was referred to a special committee, which reported that congress in fixing the northern boundary of Illinois, had violated the ordinance of 1787. The report was lengthy, and it, together with an address covering the entire question, was sent to congress, where like the former memorial it was referred to its proper committee and pigeonholed. One phrase of this last address is worthy of repetition. It is as follows:

"Had we formed a constitution and state government and extended our jurisdiction over all the territory appropriated by the ordinance to the fifth state, though it might have involved us in a conflict with Illinois...no one could truly say we had done more than exercised our lawful rights in a lawful manner."

Fortunate Jealousy Among Politicians.

An attempt was made in the first state constitutional convention of Wisconsin to secure the introduction of a clause in the constitution referring

all boundary disputes to the supreme court of the United States, Wisconsin to be meanwhile admitted with indefinite boundaries. This failed, as one writer puts it, "owing in part, it is said, to the jealousy entertained by Wisconsin politicians of those in northern Illinois, whom they did not care to meet in competition for office: and the constitution makers accepted the southern boundary that congress had established."

Wisconsin was admitted as a state in 1848, and the northern boundary line of Illinois was thus finally confirmed and forever settled.

PART VI.

Influence of the Illinois and Michigan Canal.

The Hon. Joseph P. Hoge of Galena and the Hon. John Wentworth of Chicago were the congressmen representing the disputed territory during the agitation by Wisconsin. The leaders of the Wisconsin annexationists promised these two congressmen that if they would use their influence, and the disputed territory be awarded Wisconsin, the people of Wisconsin would make them her first two senators, and would also give the office of governor to a citizen of the disputed tract. John Wentworth in speaking of this said: "Our Chicago people were much divided upon the question, and I really believe serious consequences would have grown out of it, but for the embarrassments that would be caused by having the Illinois and Michigan Canal owned by two states."

Ford's Interpretation of the Ordinance of 1787.

Thomas Ford, governor of Illinois, in his history of Illinois written in the '40s when the boundary dispute was claiming public attention, presented probably the ablest and most lucid argument made on this question. He said:

"It appears that congress retained the power, under the ordinance, if they should thereafter deem it expedient, to establish a state north of Illinois, in that part of the northwestern territory which lies north of the parallel running through the southern bend of the lake. Upon this provision is founded the claim of Wisconsin. But there is nothing in the ordinance requiring such additional state to be formed of the territory north of that line. Another state might be formed in that district of country, but not of it; it need not necessarily include the whole. By extending the limits of Illinois north of the disputed line congress still had the power to make a new state in that district of country north of it, not including the portion given to Illinois.

"But the fallacy of the claim for Wisconsin is further apparent from the fact that the ordinance established the northern limits of Illinois to extend to the British possessions in Canada, in other words, to the northern boundary of the United States; that the creation of a new state north of it, was made to depend upon the subsequent discretion of congress, and upon their ideas of expediency.

"Undoubtedly, Illinois could have been limited to the southern bend of Lake Michigan. But congress has never, as yet, established that line; but on the contrary has established one upward of fifty miles north of it, which line so established by congress the people of Wisconsin say is void, as being against the ordinance.

"If we take the ground assumed by Wisconsin as the true one, and admit that the line of 42 degrees 30 minutes is void, as being against the ordinance, then it is plain that there is no northern limit to Illinois, except the British possessions of Canada; thus making Illinois include all Wisconsin. If the people of Wisconsin can show that the line 42 degrees 30 minutes is void, they do not establish any other; their line was not established by the ordinance; that law merely authorized congress to establish it if they saw proper and deemed it expedient. But congress has never deemed it expedient to establish it.

"If, therefore, the only line which congress ever did establish is void, then Illinois cannot be limited by a line which has never been established, but must extend to the northern boundary of the Union, including all Wisconsin. Premises from which such arguments can fairly be drawn must necessarily be suicidal to the claim of the new state of Wisconsin, as they inevitably result in its annihilation and in extending the jurisdiction of Illinois over the whole of its territory."

Monuments Not Now Correctly Placed.

Although the boundary line between the states of Illinois and Wisconsin, 42 degrees 30 minutes, is recognized and established by the constitutions of both states, and monuments were placed to mark the spots, the latter are not correctly located. Prof. John E. Daviess, of the United States coast and geodetic survey, in writing on this question, said:

"The line as it is does not represent the parallel of 42 degrees 30 minutes, as the constitution of each state prescribes. It zigzags to and fro, having been made by a surveyor's compass, apparently in the hands of Mr. Lucius Lyon, United States commissioner. The line should go farther south than it now is—about three-fourths of a mile in the western part of Wisconsin, and farther north in and east of Beloit."

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